
REC NEWSLETTER FOR MAY 1999

1. DoD Clean Water Action Plan Integrated Process Team (CWAP IPT)

DoD established the CWAP IPT to 1) participate in the Federal interagency implementation of the CWAP, and 2) develop a DoD implementation strategy for the CWAP. Five principal agencies (USDA, EPA, DOI, DOC, and DOD) formed a Federal CWAP Steering Committee tasked to lead the CWAP implementation effort. The DoD CWAP IPT will provide information and guidance to the RECs and field personnel to assist them in the implementation of CWAP initiatives. To aid in the exchange of this information, DUSD(ES) has established a CWAP homepage on DENIX that can be accessed and utilized by the RECs and field personnel. The DoD CWAP IPT hopes that through the collective effort of the services' clean water, source water, and natural resources personnel, DoD will be able to implement the CWAP efficiently and effectively with available resources.

2. Clean Air Act Update

a. Two D.C. Court Opinions on Air Rules in May

On 14 May 1999, the D.C. Circuit Court of Appeals remanded the EPA standards for ozone and particulate matter issued in July 1997. The court held that the National Ambient Air Quality Standards (NAAQS) for ozone was an unconstitutional delegation of legislative powers, and that the level set by the agency for particulate matter was arbitrary and capricious. With its remand, the court declined to strike the standard altogether, stating the agency should be able to redefine the standard to comply with the non-delegation doctrine.

On 26 May 1999, the same court suspended the deadline for states to submit NOx control plans under EPA's Ozone Transport Rule (commonly referred to as the NOx SIP call). States were required to submit the plans by 30 September 1999. The deadline has been stayed indefinitely.

b. Clarification of Recent Stays Involving Risk Management Plans

CNO Message, R 141733Z MAY 99, announced the stay issued for Clean Air Act 112(r), risk management plans (RMP) applicability to propane fuel tanks. The applicability of the rule was temporarily stayed for all propane fuel tanks on 27 April 1999, by a court ruling.

An additional stay was just published (28 May 1999, 64 FR 13539) by EPA that provides an exemption from RMP requirements for regulated, flammable hydrocarbon fuels (propane, butane, ethane, propylene and methane) of less than 67,000 pounds in a process that is not manufacturing the fuel, does not contain another regulated substance above a threshold quantity, and is not collocated or interconnected to another covered process. This stay does not impact the court-ordered propane exemption and will be effective 21 June 1999 to 21 December 1999.

The Court's stay and the EPA stay are different in several respects. The Court stay applies only to propane, while the EPA stay applies to all flammable hydrocarbon fuels, including propane. The Court stay includes no caps or conditions, while the EPA stay includes the threshold limits and the

other eligibility criteria listed above. The court stay will last until further order of the Court. The EPA stay lasts only until Dec 21, 1999. If the Court lifts its stay before then, the propane as well as other flammable hydrocarbon fuels would be exempt in accordance with the terms of the EPA stay.

Facilities should complete RMPs that are under development for such tanks. However, facilities should not submit RMPs to regulators for processes that are not covered or are temporarily stayed by the court or EPA. Facilities must submit RMPs for all other covered processes by 21 June 1999.

3. 1999 Department of Defense Forestry Workshop

The annual DoD Forestry workshop will be held 15-16 September 1999 in conjunction with the Society of American Foresters national convention in Portland, Oregon. The DoD workshop will consist of Service breakout sessions on 15 September followed by technical presentations to all DoD attendants on 16 September. It is expected that approximately 100 Defense personnel from installations, research organizations, headquarters, and other commands will participate in this year's Forestry meeting. The Navy is the designated DoD host for the 1999 workshop. Anyone interested in providing a forestry related presentation at this event is encouraged to call (202) 685-9330

4. Navy Wins White House Closing the Circle Awards

Navy won four of the White House's prestigious "Closing The Circle Awards for 1999."

The Navy winners are:

- Naval Air Station Joint Reserve Base New Orleans Environmental Department, Belle Chasse, LA, for Model Facility-Military
- Naval Facilities Engineering Service Center, Port Hueneme, CA, for Sowing The Seeds Of Change-Military
- Mr. Awni M. Almasri, Administrative Support Unit, Southwest Asia, Manama, Bahrain, for Recycling Hazardous Waste-Military
- Navy Public Works Center, Pearl Harbor, HI, for Environmental Preferability-Military

5. Upcoming Conferences

a. The 1999 Navy/Marine Corps Clean Air Act Conference will be held on 29 June - 1 July 1999 at the New Orleans Marriott, New Orleans. Last date to register with the hotel is 7 June.

b. The 1999 Navy Pollution Prevention (P2) Conference will be held 27-29 July 1999 at the Ritz-Carlton in Pentagon City, Arlington, Virginia.

For further information visit <http://web.dandp.com/n45/conferences>.